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HUNTON & WILLIAMS LLP INTELLECTUAL PROPERTY DEPARTMENT 1900 K STREET, N.W. SUITE 1200 WASHINGTON, DC 20006-1109			EXAMINER INGBERG, TODD D	
			ART UNIT 2193	PAPER NUMBER

DATE MAILED: 12/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/065,730

Applicant(s)

MCKENNA ET AL.

Examiner

Todd Ingberg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

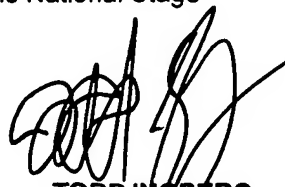
**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/13/2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
TODD INGBERG  
PRIMARY EXAMINER

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Claims 1 – 53 have been examined.

#### ***Priority***

The claim to Domestic priority with application 60/331,230 with an effective filing date of November 13, 2001 will be reviewed with each amendment.

#### ***Drawings***

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the handwritten labels, shading on figures and the font is too small. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

#### ***Specification***

A substitute specification is required with the proper font size of the section headers. A substitute specification must not contain new matter. The substitute specification must be submitted with markings showing all the changes relative to the immediate prior version of the specification of record. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. An accompanying clean version (without markings) and a statement that the substitute specification contains no new matter must also be

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supplied. Numbering the paragraphs of the specification of record is not considered a change that must be shown.

The abstract of the disclosure is objected to because the Abstract is two pages long. The second page must be deleted. Correction is required. See MPEP § 608.01(b).

***Oath/Declaration***

It appears the signature of Inventor "Russel Ingrid" is missing.

***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 17 – 53 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claimed invention is not tangibly embodied on a computer readable medium and executing on a computer. The Examiner has provided one way to overcome this rejection.

**Claim 17**

A system for facilitating development of IT projects **tangibly embodied on a computer readable medium and executing on a computer**, comprising: a server computer system for maintaining and serving a plurality of web pages relating to a project development methodology; a client computer system associated with participants in a project and operatively connected to the server computer system over a computer network; means for receiving a request from the client computer system to display a general project management methodology and tollgate selection web page; means for displaying the requested general project management methodology and tollgate selection web page; means for receiving a request from the client computer to display a selected one of several tollgate-specific web pages; and means for displaying the requested tollgate specific web page.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 – 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over “Software Process Support over the Internet”, F. Maurer et al. published in ACM, ICSE ’99 ( referred to as **Web**) in view of Software Engineering Risk Management, a commercial risk management software product version 1.0 by Dale Karolak (referred to as **Risk**).

**Claim 1**

**Web** teaches a method for facilitating IT project development (**Web**, page 642, Abstract, A project planning and enactment system - “Tool integration ... built-in capabilities of Web browsers.”) comprising the steps of:

**Web** teaches a project planning and enactment system which covers the lifecycle phases of a software IT project. **Web** teaches completing a stage and starting the next stage in the model (**Web**, page 643, Workflow management and Fig 1 the project plan chart where stages are defined). **Web** does not teach a risk management component to determine if a IT project should be approved. It is **Risk** who teaches an implementation of risk analysis in determining the feasibility of a proposed project. **Risk** provides the method of determining whether an IT project should be developed ; receiving IT project information relating to the IT project (**Risk**, page 27, New or Open a SERIM Project for Input); completing process steps for a plurality of required checklist items in a current stage (**Risk**, pages 99-115, Lifecycle of a project – checklist for each stage, e.g. pages 100-101 and 103-109 ), wherein the project development process includes a plurality of IT project development stages (**Risk**, page 99, shows the stages of a Project from Requirements to Deliver); requesting tollgate approval for the current stage (**Risk**, page 24, shows the Main screen of the stages and page 99, each stage with details pages 99-115 for the stages shows intended use of the commercial product to perform analysis of SERIM Metrics (page 83 Risk Assessment, page 84, Risk Mitigation, page 86, Risk Reporting, page 87, Risk Prediction ) as related to the perspectives listed on page 88) ; determining, for the current stage, whether the tollgate approval has been obtained (**Risk**, page 88, Approval after assessment of risk and decision to begin each stage) and the IT project process should advance from the current stage to a next stage (**Risk**, page 99, shows the stages of a project to advance from and to) ; and advancing to the next stage if it is determined that the tollgate approval has been obtained for the

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current stage (**Risk**, page 88, Approval after assessment of risk and decision to begin actual Development Phase).

**Web** teaches a Web based project planning environment and **Risk** teaches a component to determine if an IT project should be approved. Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of **Web** and **Risk** because the ability to utilize Web based technology (e.g. Hypertext links, HTTP, Internet etc) to implement a easy to use distributed system.

### Claim 2

The method of claim 1, further comprising the steps of: progressing through a first stage relating to project definition (**Risk**, page 30, 34 - 67, Project Description ); progressing through a second stage relating to project measurement (**Risk**, page 71, milestones established for each stage ) ; progressing through a third stage relating to operational analysis (**Risk**, pages 97 – 102, Requirements) ; progressing through a fourth stage relating to solution design (**Risk**, pages 102-105, Design); progressing through a fifth stage relating to building and testing (**Risk**, pages 105-109, Build and pages 109-112, Test ); progressing through a sixth stage relating to transitioning to the new system (**Risk**, pages 112-117, Deliver); and progressing through a seventh stage relating to production issues (**Risk**, pages 112-117, Maintenance).

### Claim 3

The method of claim 2, wherein the step of progressing through a first stage relating to project definition further comprises the steps of: determining whether a first stage tollgate should be passed (**Risk**, pages 38 – 41, creating action plans for each stage) ; and permitting advancement to the second stage if it is determined that the first stage tollgate has been passed (**Risk**, page 71, milestones in project plans control advancement).

### Claim 4

The method of claim 3, wherein the step of progressing through a first stage, further comprises the steps of: completing a mission statement methodology element (**Risk**, pages 3 – 4, 30,34,46-47, Description and Purpose); completing a cost/benefit analysis (**Risk**, pages 55, COST in Influence of Software Risk Factors on Risk Elements table, pages 70 - 71 and pages 152-155, Formulas for calculations that affect each stage) and budget sign-off methodology element (**Risk**, pages 40, Action plan for each Stage - the Risk tool allows for actions such as Sign-offs to be entered into the system, Page 71, milestones control the passing of a stage and the user wants to treat the task as it's own Project page 46 teaches User defined entry to support this decision); completing a work management methodology element; completing a resource management methodology element (**Risk**, pages 49, 52 and 66, Personnel, page 56 – 57, Organization and Tools, pages 61-62 ); and completing a risk assessment methodology element (**Risk**, pages 3, 4 – 5, 35, 50-53, Analytical Perspective), wherein each of the mission statement, cost/benefit analysis (**Risk**, pages 55, COST in Influence of Software Risk Factors on Risk Elements table, pages 70 - 71 and pages 152-155, Formulas for calculations that affect each stage), work management (**Risk**, page 132, WBS); , resource management (**Risk**, pages 49, 52 and 66, Personnel, page 56 – 57, Organization and Tools, pages 61-62 ) , and risk assessment methodology (**Risk**, the product) elements further comprise discrete sign-offs relating to tasks

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(**Risk**, pages 40, Action plan for each Stage - the Risk tool allows for actions such as Sign-offs to be entered into the system, Page 71, milestones control the passing of a stage and the user wants to treat the task as it's own Project page 46 teaches User defined entry to support this decision) and documentation relating the respective methodology elements (**Risk**, pages 40, Action plan for each Stage - the Risk tool allows for actions such as Documentation to be entered into the system, Page 71, milestones control the passing of a stage and the user wants to treat the task as it's own Project page 46 teaches User defined entry to support this decision).

#### **Claim 5**

The method of claim 2, wherein the step of progressing through a second stage further comprises the steps of: determining whether a second stage tollgate should be passed (**Risk**, pages 38 – 41, creating action plans for each stage); and permitting advancement to the third stage if it is determined that the second stage tollgate has been passed (**Risk**, page 71, milestones in project plans control advancement).

#### **Claim 6**

The method of claim 5, wherein the step of progressing through a second stage, further comprises the steps of: completing a process maps (**Risk**, page 138, Maps), requirements and sign-off methodology element (**Risk**, pages 40, Action plan for each Stage - the Risk tool allows for actions such as Sign-offs to be entered into the system, Page 71, milestones control the passing of a stage and the user wants to treat the task as it's own Project page 46 teaches User defined entry to support this decision); completing a CTQ (**Risk**, pages 93-96, Quality ) and critical process prioritization methodology element (**Risk**, page 41 each metric has a rating and Project plans have critical paths – Risk, page 141, PERT one example – Web, mentions MILOS on page 642 and MS-Project on page 643, Figure 1 ); completing a resource ( **Risk**, pages 49, 52 and 66, Personnel and Tools, pages 61-62 pages 40, Action plan for each Stage - the Risk tool allows for actions such as documentation relating the respective methodology elements to be entered into the system, Page 71, milestones control the passing of a stage and the user wants to treat the task as it's own Project page 46 teaches User defined entry to support this decision), schedule (**Risk**, page 71-72, Schedule, page 107, GANTT and PERT ) and scorecard status methodology element (**Risk**, pages 123 – 125, rating score and display) ; completing a cost/benefit analysis (**Risk**, pages 55, COST in Influence of Software Risk Factors on Risk Elements table, pages 70 - 71 and pages 152-155, Formulas for calculations that affect each stage) and budget sign-off methodology element (**Risk**, pages 40, Action plan for each Stage - the Risk tool allows for actions such as Sign-offs to be entered into the system, Page 71, milestones control the passing of a stage and the user wants to treat the task as it's own Project page 46 teaches User defined entry to support this decision); and completing a definition of green belt projects methodology element (Green Belt requirements met by Web, page 642, Process Model and CMM (Software Engineering – Capability Maturity Model ), wherein each of the process maps (**Risk**, page 138, Maps), CTQ (**Risk**, pages 93-96, Quality) and critical process prioritization (**Risk**, page 41 each metric has a rating and Project plans have critical paths – Risk, page 141, PERT one example – Web, mentions MILOS on page 642 and MS-Project on page 643, Figure 1), resource (**Risk**, pages 49, 52 and 66, Personnel, page 56 – 57, Organization and Tools, pages 61-62 ), schedule (**Risk**, page 71-72, Schedule, page 107, GANTT and PERT ) and

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scorecard status (**Risk**, pages 123 – 125, rating score and display ) , cost/benefit analysis (**Risk**, pages 55, COST in Influence of Software Risk Factors on Risk Elements table, pages 70 - 71 and pages 152-155, Formulas for calculations that affect each stage) , and definition of green belt projects methodology elements further comprise discrete sign-offs (**Risk**, pages 40, Action plan for each Stage - the Risk tool allows for actions such as Sign-offs to be entered into the system, Page 71, milestones control the passing of a stage and the user wants to treat the task as it's own Project page 46 teaches User defined entry to support this decision) relating to tasks and documentation relating the respective methodology elements (**Risk**, page 1, “documenting as you go” and **Risk**, pages 40, Action plan for each Stage - the Risk tool allows for actions such as documentation relating the respective methodology elements to be entered into the system, Page 71, milestones control the passing of a stage and the user wants to treat the task as it's own Project page 46 teaches User defined entry to support this decision).

#### **Claim 7**

The method of claim 2, wherein the step of progressing through a third stage further comprises the steps of: determining whether a third stage tollgate should be passed (**Risk**, pages 38 – 41, creating action plans for each stage); and permitting advancement to the fourth stage if it is determined that the third stage tollgate has been passed (**Risk**, page 71, milestones in project plans control advancement).

#### **Claim 8**

The method of claim 7, wherein the step of progressing through a third stage, further comprises the steps of: completing a project management methodology element (**Risk**, page 71-72, Schedule, page 107, GANTT and PERT ); completing a fit and gap analysis methodology element (Fit Gap met by Definition and Deliverables as supported by **Risk**, page 1, “documenting as you go” and **Risk**, pages 40, Action plan for each Stage - the Risk tool allows for actions such as documentation relating the respective methodology elements to be entered into the system, Page 71, milestones control the passing of a stage and the user wants to treat the task as it's own Project page 46 teaches User defined entry to support this decision) ; and completing a defect ranking methodology element (**Risk**, pages 109 - 112, Testing ) , wherein each of the project management element (**Risk**, page 71-72, Schedule, page 107, GANTT and PERT ), fit and gap analysis (Fit Gap met by Definition and Deliverables as supported by **Risk**, page 1, “documenting as you go” and **Risk**, pages 40, Action plan for each Stage - the Risk tool allows for actions such as documentation relating the respective methodology elements to be entered into the system, Page 71, milestones control the passing of a stage and the user wants to treat the task as it's own Project page 46 teaches User defined entry to support this decision), and defect ranking methodology elements further comprise discrete sign-offs relating to tasks (**Risk**, pages 40, Action plan for each Stage - the Risk tool allows for actions such as Sign-offs to be entered into the system, Page 71, milestones control the passing of a stage and the user wants to treat the task as it's own Project page 46 teaches User defined entry to support this decision) and documentation relating the respective methodology elements (**Risk**, page 1, “documenting as you go” and **Risk**, pages 40, Action plan for each Stage - the Risk tool allows for actions such as documentation relating the respective methodology elements to be entered into the system, Page



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71, milestones control the passing of a stage and the user wants to treat the task as it's own Project page 46 teaches User defined entry to support this decision).

#### **Claim 9**

The method of claim 2, wherein the step of progressing through a fourth stage further comprises the steps of: determining whether a fourth stage tollgate should be passed (**Risk**, pages 38 – 41, creating action plans for each stage); permitting advancement to the fifth stage if it is determined that the fourth stage tollgate has been passed (**Risk**, page 71, milestones in project plans control advancement).

#### **Claim 10**

The method of claim 9, wherein the step of progressing through a fourth stage, further comprises the steps of: completing a project management methodology (**Risk**, page 71-72, Schedule, page 107, GANTT and PERT ) element ; completing a software design methodology element (**Risk**, pages 102-105, Design) ; completing a global development methodology element (**Risk**, page 137, Structured, object oriented etc); completing an enterprise architecture methodology element (**Risk**, pages 62-63 and 52 – 57, Risk Culture and Organization) ; completing a testing methodology element (**Risk**, pages 109 - 112, Testing ) ; completing a support methodology element (**Risk**, pages 112 - 115, Maintenance) ; and completing a peer reviews methodology element (**Web**, page 642, CMM – Peer Reviews are built in as level 3 – Defined), wherein each of the project management (**Risk**, page 71-72, Schedule, page 107, GANTT and PERT), software design (**Risk**, pages 102-105, Design), global development (**Risk**, page 137, Structured, object oriented etc), enterprise architecture (**Risk**, pages 62-63 and 52 – 57, Risk Culture and Organization), testing (**Risk**, pages 109 - 112, Testing ), support (**Risk**, pages 112 - 115, Maintenance), and peer reviews methodology elements (**Web**, page 642, CMM – Peer Reviews are built in as level 3 – Defined) further comprise discrete sign-offs relating to tasks and documentation relating the respective methodology elements (**Risk**, page 1, “documenting as you go” and **Risk**, pages 40, Action plan for each Stage - the Risk tool allows for actions such as documentation relating the respective methodology elements to be entered into the system, Page 71, milestones control the passing of a stage and the user wants to treat the task as it's own Project page 46 teaches User defined entry to support this decision).

#### **Claim 11**

The method of claim 2, wherein the step of progressing through a fifth stage further comprises the steps of: determining whether a fifth stage tollgate should be passed (**Risk**, pages 38 – 41, creating action plans for each stage); and permitting advancement to the sixth stage if it is determined that the fifth stage tollgate has been passed (**Risk**, page 71, milestones in project plans control advancement).

#### **Claim 12**

The method of claim 11 , wherein the step of progressing through a fifth stage, further comprises the steps of: completing a project management (**Risk**, page 71-72, Schedule, page 107, GANTT and PERT) methodology element ; completing a global development methodology element (**Risk**, page 137, Structured, object oriented etc); completing

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a testing methodology element (**Risk**, pages 109 - 112, Testing ) ; completing a training methodology element (**Risk**, pages 112-115, Delivery ) ; completing a peer reviews methodology element (**Web**, page 642, CMM – Peer Reviews are built in as level 3 – Defined); and completing a contingency plans methodology element , wherein each of the project management (**Risk**, page 71-72, Schedule, page 107, GANTT and PERT ), global development (**Risk**, page 137, Structured, object oriented etc), testing (**Risk**, pages 109 - 112, Testing ), training (**Risk**, pages 112-115, Delivery ) , peer reviews (**Web**, page 642, CMM – Peer Reviews are built in as level 3 – Defined) , and contingency plans methodology elements further comprise discrete sign-offs relating to tasks (**Risk**, pages 40, Action plan for each Stage - the Risk tool allows for actions such as Sign-offs to be entered into the system, Page 71, milestones control the passing of a stage and the user wants to treat the task as it's own Project page 46 teaches User defined entry to support this decision) and documentation relating the respective methodology elements (**Risk**, page 1, “documenting as you go” and **Risk**, pages 40, Action plan for each Stage - the Risk tool allows for actions such as documentation relating the respective methodology elements to be entered into the system, Page 71, milestones control the passing of a stage and the user wants to treat the task as it's own Project page 46 teaches User defined entry to support this decision).

#### **Claim 13**

The method of claim 2, wherein the step of progressing through a sixth stage further comprises the steps of: determining whether a sixth stage tollgate should be passed (**Risk**, pages 38 – 41, creating action plans for each stage); and permitting advancement to the seventh stage if it is determined that the sixth stage tollgate has been passed (**Risk**, page 71, milestones in project plans control advancement).

#### **Claim 14**

The method of claim 13, wherein the step of progressing through a sixth stage, further comprises the steps of: completing a project management methodology element (**Risk**, page 71-72, Schedule, page 107, GANTT and PERT), ; completing an enterprise architecture methodology element (**Risk**, pages 62-63 and 52 – 57, Risk Culture and Organization) ; completing a support methodology element (**Risk**, pages 112 - 115, Maintenance) ; and completing a project team best practice and lessons learned methodology element (**Risk**, page 38, Best practice and Lessons Learned are covered by the identifying what worked and how to improve in an Action Plan – “What actions are needed to improve this metric?” ) , wherein each of the project management (**Risk**, page 71-72, Schedule, page 107, GANTT and PERT), , enterprise architecture (**Risk**, pages 62-63 and 52 – 57, Risk Culture and Organization) , support (**Risk**, pages 112 - 115, Maintenance) , and project team best practice (**Risk**, as per above) and lessons learned methodology elements further comprise discrete sign-offs relating to tasks (**Risk**, pages 40, Action plan for each Stage - the Risk tool allows for actions such as Sign-offs to be entered into the system, Page 71, milestones control the passing of a stage and the user wants to treat the task as it's own Project page 46 teaches User defined entry to support this decision) and documentation relating the respective methodology elements.

#### **Claim 15**

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The method of claim 2, wherein the step of progressing through a seventh stage further comprises the steps of: determining whether a seventh stage tollgate should be passed indicating (**Risk**, pages 38 – 41, creating action plans for each stage); and maintaining production if it is determined that the seventh stage tollgate has been passed (**Risk**, page 71, milestones in project plans control advancement).

#### **Claim 16**

The method of claim 15, wherein the step of progressing through a seventh stage, further comprises the steps of: completing a project management methodology element (**Risk**, page 71-72, Schedule, page 107, GANTT and PERT) ; completing an ongoing DFSS project plan methodology element (DFSS is met by CMM which perform Define, Measure, Analysis, Improve and Control/Monitor with the Key Process Areas from Levels 1 to 5, **Web**, page 642, CMM) ; and completing an enterprise architecture methodology element (**Risk**, pages 62-63 and 52 – 57, Risk Culture and Organization); and completing a project team best practice and lessons learned methodology element (**Risk**, page 38, Best practice and Lessons Learned are covered by the identifying what worked and how to improve in an Action Plan – “What actions are needed to improve this metric?” ), wherein each of the project management (**Risk**, page 71-72, Schedule, page 107, GANTT and PERT), ongoing DFSS project plan (DFSS is met by CMM which perform Define, Measure, Analysis, Improve and Control/Monitor with the Key Process Areas from Levels 1 to 5, **Web**, page 642, CMM), enterprise architecture (**Risk**, pages 62-63 and 52 – 57, Risk Culture and Organization), and project team best practice and lessons learned methodology (as per above) elements further comprise discrete sign-offs relating to tasks (**Risk**, pages 40, Action plan for each Stage - the Risk tool allows for actions such as Sign-offs to be entered into the system, Page 71, milestones control the passing of a stage and the user wants to treat the task as it's own Project page 46 teaches User defined entry to support this decision) and documentation relating the respective methodology elements (**Risk**, page 1, documenting at the same time).

#### **Claim 17**

**Web** teaches a system for facilitating development of IT projects (**Web**, page 642, Abstract, A project planning and enactment system - “Tool integration ... built-in capabilities of Web browsers.”), comprising: a server computer system for maintaining and serving a plurality of web pages relating to a project development methodology (**Web**, page 643, EJB Server, scalable, multi-platform, many servers); a client computer system associated with participants in a project and operatively connected to the server computer system over a computer network (**Web**, page 643, thin wire, Web-based applets using RMI) ; means for receiving a request from the client computer system to display a general project management methodology (**Web**, Abstract, MILOS) and tollgate selection web page (**Web**, page 642, Abstract, A project planning and enactment system - “Tool integration ... built-in capabilities of Web browsers.” and **Risk**, page 24, the Welcome screen with the tollgate stages displayed ); means for displaying the requested general project management methodology (**Web**, page 642 - 643, Process modeling, Project Plan Management, Workflow and Risk, page 24, Tollgate Stages) and tollgate selection web page (**Web**, page 643, Figure 1, the traditional Project plan of phases linked); means for receiving a request from the client computer to display a selected one of several tollgate-specific web pages

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(**Web**, page 642 - 643, using the browser of the Abstract the ability to select the components of the Architecture as listed above - Process modeling, Project Plan Management, Workflow and **Risk**, page 148, project process and pages 71-72, Schedule) and ; and means for displaying the requested tollgate specific web page (**Web**, page 642-643, ability to select and use the components of the Architecture as listed above - Process modeling, Project Plan Management, Workflow ). **Web** teaches a Web based project planning environment and **Risk** teaches determining risk of an IT project. Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of **Web** and **Risk** because the ability to utilize Web based technology (e.g. Hypertext links, HTTP, Internet etc) to implement an easy to use distributed Project Management and Risk Analysis system.

#### **Claim 18**

The system of claim 17, wherein the general project management methodology (**Web**, page 642 - 643, Process modeling, Project Plan Management, Workflow and **Risk**, page 148, project process and pages 71-72, Schedule) and tollgate selection web page is configured to include a description of the project management methodology (**Web**, page 642 - 643, using the browser of the Abstract the ability to select the components of the Architecture) and hyperlinks to a plurality of tollgate specific web pages (**Web**, page 642, the inherent technology of Web based solutions used in Web browsers (Abstract).

#### **Claim 19**

The system of claim 18, wherein the means for receiving a request to display a selected one of several tollgate-specific web pages, further comprises means for receiving a request to display a tollgate 1-specific web page relating to project definition (**Web**, page 642-643, ability to select and use the components of the Architecture as listed above - Process modeling, Project Plan Management, Workflow).

#### **Claim 20**

The system of claim 19, wherein the tollgate 1-specific web page comprises: a deliverables (**Risk**, the intended use of delivering a software product and **Risk**, page 1, "deliverables" and **Risk**, pages 40, Action plan for each Stage - the Risk tool allows for actions such as documentation relating the respective methodology elements to be entered into the system, Page 71, milestones control the passing of a stage and the user wants to treat the task as it's own Project page 46 teaches User defined entry to support this decision and a review) and sign-offs section including a plurality of methodology elements to be addressed prior to tollgate review (**Risk**, pages 40, Action plan for each Stage - the Risk tool allows for actions such as Sign-offs to be entered into the system, Page 71, milestones control the passing of a stage and the user wants to treat the task as it's own Project page 46 teaches User defined entry to support this decision) and advancement to tollgate 2; (**Risk**, pages 40, Action plan for each Stage - the Risk tool allows for actions such as Sign-offs to be entered into the system, Page 71, milestones control the passing of a stage and the user wants to treat the task as it's own Project page 46 teaches User defined entry to support this decision) and a review questions section including a listing of questions to be answered during the fulfillment of any required tollgate 1

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methodology elements. (**Risk**, pages 57 – 67, Metric Questions for each stage, Risk provides Metric questions in each of the Stages by Risk Factor).

#### **Claim 21**

The system of claim 20, wherein the plurality of methodology elements may each further include sign-off's more specifically related to particular tasks for completion. (**Risk**, pages 40, Action plan for each Stage - the Risk tool allows for actions such as Sign-offs to be entered into the system, Page 71, milestones control the passing of a stage and the user wants to treat the task as it's own Project page 46 teaches User defined entry to support this decision).

#### **Claim 22**

The system of claim 21, wherein the tollgate 1-specific web page further includes a plurality of hyperlinks associated (**Web**, page 642 - 643, using the browser of the Abstract the ability to select the components of the Architecture, Web technology has hypertext links) with sign-offs, for directing users to template documents, example documents or guides assisting in the completion of the related task (**Risk**, pages 40, Action plan for each Stage - the Risk tool allows for actions such as Sign-offs to be entered into the system, Page 71, milestones control the passing of a stage and the user wants to treat the task as it's own Project page 46 teaches User defined entry to support this decision).

#### **Claim 23**

The system of claim of claim 20, wherein the plurality of methodology elements, comprise: a mission statement methodology element (**Risk**, pages 3 – 4, 30,34,46-47, Description and Purpose); a cost/benefit analysis (**Risk**, pages 55, COST in Influence of Software Risk Factors on Risk Elements table, pages 70 - 71 and pages 152-155, Formulas for calculations that affect each stage) and budget sign-off methodology element (**Risk**, pages 40, Action plan for each Stage - the Risk tool allows for actions such as Sign-offs to be entered into the system, Page 71, milestones control the passing of a stage and the user wants to treat the task as it's own Project page 46 teaches User defined entry to support this decision); a work management methodology element (**Risk**, page 132, WBS); a resource management methodology element (**Risk**, pages 49, 52 and 66, Personnel, page 56 – 57, Organization and Tools, pages 61-62 ); and a risk assessment methodology element (**Risk**, pages 78 and 83, Risk Assessment).

#### **Claim 24**

The system of claim 18, wherein the means for receiving a request to display a selected one of several tollgate-specific web pages, further comprises means for receiving a request to display a tollgate 2-specific web page relating to project measurements. As per the mechanisms of advancing from stage to stage in a Web based environment as taught by the rejection for claim 19.

#### **Claim 25**

The system of claim 24, wherein the tollgate 2-specific web page comprises: a deliverables (**Risk**, the intended use of delivering a software product and **Risk**, page 1, "deliverables" and **Risk**, pages 40, Action plan for each Stage - the Risk tool allows for actions

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such as documentation relating the respective methodology elements to be entered into the system, Page 71, milestones control the passing of a stage and the user wants to treat the task as it's own Project page 46 teaches User defined entry to support this decision and a review) and sign-offs section including a plurality of methodology elements to be addressed prior to tollgate review and advancement to tollgate 3 (**Risk**, pages 40, Action plan for each Stage - the Risk tool allows for actions such as Sign-offs to be entered into the system, Page 71, milestones control the passing of a stage and the user wants to treat the task as it's own Project page 46 teaches User defined entry to support this decision); and a review questions section including a listing of questions to be answered during the fulfillment of any required tollgate 2 methodology elements. (**Risk**, pages 57 – 67, Metric Questions for each stage, Risk provides Metric questions in each of the Stages by Risk Factor).

#### **Claim 26**

The system of claim 25, wherein the plurality of methodology elements may each further include sign-offs more specifically related to particular tasks for completion. (**Risk**, pages 40, Action plan for each Stage - the Risk tool allows for actions such as Sign-offs to be entered into the system, Page 71, milestones control the passing of a stage and the user wants to treat the task as it's own Project page 46 teaches User defined entry to support this decision).

#### **Claim 27**

The system of claim 26, wherein the tollgate 2-specific web page further includes a plurality of hyperlinks associated with sign-offs as per the rejection for claim 22, for directing users to template documents, example documents or guides assisting in the completion of the related task (**Risk**, pages 42 -44, Built in Help).

#### **Claim 28**

The system of claim of claim 25, wherein the plurality of methodology elements , comprise: a process maps (**Risk**, page 138, Maps), requirements and sign-off methodology element (**Risk**, pages 40, Action plan for each Stage - the Risk tool allows for actions such as Sign-offs to be entered into the system, Page 71, milestones control the passing of a stage and the user wants to treat the task as it's own Project page 46 teaches User defined entry to support this decision); a CTQ (**Risk**, pages 93-96, Quality)and critical process prioritization methodology element (**Risk**, page 41 each metric has a rating and Project plans have critical paths – Risk, page 141, PERT one example – Web, mentions MILOS on page 642 and MS-Project on page 643, Figure 1 ); a resource (Project, page 116 , Resources), schedule (Risk, page 71, Schedule)and scorecard status methodology element (Risk, pages 123 – 125, rating score and display ) ; a cost/benefit analysis (Risk, pages 55, COST in Influence of Software Risk Factors on Risk Elements table, pages 70 - 71 and pages 152-155, Formulas for calculations that affect each stage) and budget sign-off methodology element (Risk, pages 40, Action plan for each Stage - the Risk tool allows for actions such as Sign-offs to be entered into the system, Page 71, milestones control the passing of a stage and the user wants to treat the task as it's own Project page 46 teaches User defined entry to support this decision); and a definition of green belt projects methodology element.

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**Claim 29**

The system of claim 18, wherein the means for receiving a request to display a selected one of several tollgate-specific web pages , further comprises means for receiving a request to display a tollgate 3-specific web page relating to operational analysis. As per the mechanisms of advancing from stage to stage in a Web based environment as taught by the rejection for claim 19.

**Claim 30**

The system of claim 29, wherein the tollgate 3-specific web page comprises:  
a deliverables (**Risk**, the intended use of delivering a software product and **Risk**, page 1, “deliverables” and **Risk**, pages 40, Action plan for each Stage - the Risk tool allows for actions such as documentation relating the respective methodology elements to be entered into the system, Page 71, milestones control the passing of a stage and the user wants to treat the task as it’s own Project page 46 teaches User defined entry to support this decision and a review) and sign-offs section including a plurality of methodology elements to be addressed prior to tollgate review (**Risk**, pages 40, Action plan for each Stage - the Risk tool allows for actions such as Sign-offs to be entered into the system, Page 71, milestones control the passing of a stage and the user wants to treat the task as it’s own Project page 46 teaches User defined entry to support this decision) and advancement to tollgate 4; **Risk**, pages 40, Action plan for each Stage - the Risk tool allows for actions such as Sign-offs to be entered into the system, Page 71, milestones control the passing of a stage and the user wants to treat the task as it’s own Project page 46 teaches User defined entry to support this decision); and a review questions section including a listing of questions to be answered during the fulfillment of any required tollgate 3 methodology elements. (**Risk**, pages 57 – 67, Metric Questions for each stage, Risk provides Metric questions in each of the Stages by Risk Factor).

**Claim 31**

The system of claim 30, wherein the plurality of methodology elements may each further include sign-offs more specifically related to particular tasks for completion. (**Risk**, pages 40, Action plan for each Stage - the Risk tool allows for actions such as Sign-offs to be entered into the system, Page 71, milestones control the passing of a stage and the user wants to treat the task as it’s own Project page 46 teaches User defined entry to support this decision).

**Claim 32**

The system of claim 31, wherein the tollgate 3-specific web page further includes a plurality of hyperlinks associated with sign-offs , for directing users to template documents, example documents or guides assisting in the completion of the related task. As per the rejection for claim 22.

**Claim 33**

The system of claim of claim 30, wherein the plurality of methodology elements, comprise: a project management methodology element (**Risk**, page 71-72, Schedule, page 107, GANTT and PERT ); a fit and gap analysis methodology element (Fit Gap met by Definition and Deliverables as supported by **Risk**, page 1, “documenting as you go” and **Risk**, pages 40, Action plan for each

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Stage - the Risk tool allows for actions such as documentation relating the respective methodology elements to be entered into the system, Page 71, milestones control the passing of a stage and the user wants to treat the task as it's own Project page 46 teaches User defined entry to support this decision) ; and a defect ranking methodology element (**Risk**, pages 109 - 112, Testing ).

#### **Claim 34**

The system of claim 18, wherein the means for receiving a request to display a selected one of several tollgate-specific web pages , further comprises means for receiving a request to display a tollgate 4-specific web page relating to solution design. As per the mechanisms of advancing from stage to stage in a Web based environment as taught by the rejection for claim 19.

#### **Claim 35**

The system of claim 34, wherein the tollgate 4-specific web page comprises:  
a deliverables (**Risk**, the intended use of delivering a software product and **Risk**, page 1, "deliverables" and **Risk**, pages 40, Action plan for each Stage - the Risk tool allows for actions such as documentation relating the respective methodology elements to be entered into the system, Page 71, milestones control the passing of a stage and the user wants to treat the task as it's own Project page 46 teaches User defined entry to support this decision and a review) and sign-offs section including a plurality of methodology elements to be addressed prior to tollgate review and advancement to tollgate 5; (**Risk**, pages 40, Action plan for each Stage - the Risk tool allows for actions such as Sign-offs to be entered into the system, Page 71, milestones control the passing of a stage and the user wants to treat the task as it's own Project page 46 teaches User defined entry to support this decision) and a review questions section including a listing of questions to be answered during the fulfillment of any required tollgate 4 methodology elements. (**Risk**, pages 57 – 67, Metric Questions for each stage, Risk provides Metric questions in each of the Stages by Risk Factor).

#### **Claim 36**

The system of claim 35, wherein the plurality of methodology elements may each further include sign-offs more specifically related to particular tasks for completion. (**Risk**, pages 40, Action plan for each Stage - the Risk tool allows for actions such as Sign-offs to be entered into the system, Page 71, milestones control the passing of a stage and the user wants to treat the task as it's own Project page 46 teaches User defined entry to support this decision).

#### **Claim 37**

The system of claim 36, wherein the tollgate 4-specific web page further includes a plurality of hyperlinks associated with sign-offs , for directing users to template documents, example documents or guides assisting in the completion of the related task. As per the rejection for claim 27.

#### **Claim 38**

The system of claim of claim 35, wherein the plurality of methodology elements



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, comprise: a project management methodology (**Risk**, page 71-72, Schedule, page 107, GANTT and PERT), element (**Risk**, each Factor is an element); a software design methodology element (**Risk**, pages 102-105, Design); a global development methodology element (**Risk**, page 137, Structured, object oriented etc) ; an enterprise architecture methodology element (**Risk**, pages 62-63 and 52 – 57, Risk Culture and Organization); a testing methodology element (**Risk**, pages 109 - 112, Testing ); a support methodology element (**Risk**, pages 112 - 115, Maintenance) ; and a peer reviews methodology element (**Web**, page 642, CMM – Peer Reviews are built in as level 3 – Defined).

#### **Claim 39**

The system of claim 18, wherein the means for receiving a request to display a selected one of several tollgate-specific web pages , further comprises means for receiving a request to display a tollgate 5-specific web page relating to transition to project building and testing. As per the mechanisms of advancing from stage to stage in a Web based environment as taught by the rejection for claim 19.

#### **Claim 40**

The system of claim 39, wherein the tollgate 5-specific web page comprises:

a deliverables (**Risk**, the intended use of delivering a software product and **Risk**, page 1, “deliverables” and **Risk**, pages 40, Action plan for each Stage - the Risk tool allows for actions such as documentation relating the respective methodology elements to be entered into the system, Page 71, milestones control the passing of a stage and the user wants to treat the task as it’s own Project page 46 teaches User defined entry to support this decision and a review) and sign-offs section including a plurality of methodology elements to be addressed prior to tollgate review (**Risk**, pages 40, Action plan for each Stage - the Risk tool allows for actions such as Sign-offs to be entered into the system, Page 71, milestones control the passing of a stage and the user wants to treat the task as it’s own Project page 46 teaches User defined entry to support this decision) and advancement to tollgate 6; (**Risk**, pages 40, Action plan for each Stage - the Risk tool allows for actions such as Sign-offs to be entered into the system, Page 71, milestones control the passing of a stage and the user wants to treat the task as it’s own Project page 46 teaches User defined entry to support this decision) and a review questions section including a listing of questions to be answered during the fulfillment of any required tollgate 5 methodology elements (**Risk**, pages 57 – 67, Metric Questions for each stage, Risk provides Metric questions in each of the Stages by Risk Factor).

#### **Claim 41**

The system of claim 40, wherein the plurality of methodology elements may each further include sign-offs more specifically related to particular tasks for completion. (**Risk**, pages 40, Action plan for each Stage - the Risk tool allows for actions such as Sign-offs to be entered into the system, Page 71, milestones control the passing of a stage and the user wants to treat the task as it’s own Project page 46 teaches User defined entry to support this decision).

#### **Claim 42**

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The system of claim 41, wherein the tollgate 5-specific web page further includes a plurality of hyperlinks associated with sign-offs , for directing users to template documents, example documents or guides assisting in the completion of the related task. As per the rejection for claim 27.

#### **Claim 43**

The system of claim of claim 40, wherein the plurality of methodology elements, comprise: a project management methodology (**Risk**, page 71-72, Schedule, page 107, GANTT and PERT), element (**Risk**, each Factor is an element); a global development methodology element (**Risk**, page 137, Structured, object oriented etc); a testing methodology element; (**Risk**, pages 109 - 112, Testing ); a training methodology element (**Risk**, pages 112 - 115, Maintenance); a peer reviews methodology element (Web, page 642, CMM – Peer Reviews are built in as level 3 – Defined);, and a contingency plans methodology element(**Risk**, page 71-72, Schedule, page 107, GANTT and PERT ).

#### **Claim 44**

The system of claim 18, wherein the means for receiving a request to display a selected one of several tollgate-specific web pages , further comprises means for receiving a request to display a tollgate 6-specific web page relating to production issues. As per the mechanisms of advancing from stage to stage in a Web based environment as taught by the rejection for claim 19.

#### **Claim 45**

The system of claim 44, wherein the tollgate 6-specific web page comprises: a deliverables (**Risk**, the intended use of delivering a software product and **Risk**, page 1, “deliverables” and **Risk**, pages 40, Action plan for each Stage - the Risk tool allows for actions such as documentation relating the respective methodology elements to be entered into the system, Page 71, milestones control the passing of a stage and the user wants to treat the task as it's own Project page 46 teaches User defined entry to support this decision and a review) and sign-offs (**Risk**, pages 40, Action plan for each Stage - the Risk tool allows for actions such as Sign-offs to be entered into the system, Page 71, milestones control the passing of a stage and the user wants to treat the task as it's own Project page 46 teaches User defined entry to support this decision) :section including a plurality of methodology elements to be addressed prior to tollgate review and advancement to tollgate 7 (**Risk**, pages 40, Action plan for each Stage - the Risk tool allows for actions such as Sign-offs to be entered into the system, Page 71, milestones control the passing of a stage and the user wants to treat the task as it's own Project page 46 teaches User defined entry to support this decision) ; and a review questions section including a listing of questions to be answered during the fulfillment of any required tollgate 6 methodology elements. (**Risk**, pages 57 – 67, Metric Questions for each stage, Risk provides Metric questions in each of the Stages by Risk Factor).

#### **Claim 46**

The system of claim 45, wherein the plurality of methodology elements may each further include sign-off s more specifically related to particular tasks for completion. (**Risk**, pages 40, Action

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plan for each Stage - the Risk tool allows for actions such as Sign-offs to be entered into the system, Page 71, milestones control the passing of a stage and the user wants to treat the task as it's own Project page 46 teaches User defined entry to support this decision).

#### **Claim 47**

The system of claim 46, wherein the tollgate 6-specific web page further includes a plurality of hyperlinks associated with sign-offs , for directing users to template documents , example documents or guides assisting in the completion of the related task. As per the rejection of claim 27.

#### **Claim 48**

The system of claim of claim 45, wherein the plurality of methodology elements , comprise: a project management methodology (**Risk**, page 71-72, Schedule, page 107, GANTT and PERT), element (**Risk**, each Factor is an element); an enterprise architecture methodology element (**Risk**, pages 62-63 and 52 – 57, Risk Culture and Organization) ; a support methodology element (**Risk**, pages 112 - 115, Maintenance) ; and a project team best practice and lessons learned methodology element (**Risk**, page 38, Best practice and Lessons Learned are covered by the identifying what worked and how to improve in an Action Plan – “What actions are needed to improve this metric?” ).

#### **Claim 49**

The system of claim 18, wherein the means for receiving a request to display a selected one of several tollgate-specific web pages, further comprises means for receiving a request to display a tollgate 7-specific web page relating to project measurements. As per the mechanisms of advancing from stage to stage in a Web based environment as taught by the rejection for claim 19.

#### **Claim 50**

The system of claim 49, wherein the tollgate 7-specific web page comprises:

a deliverables (**Risk**, the intended use of delivering a software product and **Risk**, page 1, “deliverables” and **Risk**, pages 40, Action plan for each Stage - the Risk tool allows for actions such as documentation relating the respective methodology elements to be entered into the system, Page 71, milestones control the passing of a stage and the user wants to treat the task as it's own Project page 46 teaches User defined entry to support this decision and a review) and sign-offs section including a plurality of methodology elements to be addressed prior to tollgate review (**Risk**, pages 40, Action plan for each Stage - the Risk tool allows for actions such as Sign-offs to be entered into the system, Page 71, milestones control the passing of a stage and the user wants to treat the task as it's own Project page 46 teaches User defined entry to support this decision); and a review questions section including a listing of questions to be answered during the fulfillment of any required tollgate 7 methodology elements. (**Risk**, pages 57 – 67, Metric Questions for each stage, Risk provides Metric questions in each of the Stages by Risk Factor).

#### **Claim 51**

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The system of claim 50, wherein the plurality of methodology elements may each further include sign-offs more specifically related to particular tasks for completion. (**Risk**, pages 40, Action plan for each Stage - the Risk tool allows for actions such as Sign-offs to be entered into the system, Page 71, milestones control the passing of a stage and the user wants to treat the task as it's own Project page 46 teaches User defined entry to support this decision).

**Claim 52**

The system of claim 51, wherein the tollgate 7-specific web page further includes a plurality of hyperlinks associated with sign-offs , for directing users to template documents , example documents or guides assisting in the completion of the related task. . As per the rejection of claim 27.

**Claim 53**

The system of claim of claim 50, wherein the plurality of methodology elements , comprise: a project management methodology (**Risk**, page 71-72,Schedule, page 107, GANTT and PERT), element (Risk, each Factor is an element); an ongoing DFSS project plan methodology element (DFSS is met by CMM which perform Define, Measure, Analysis, Improve and Control/Monitor with the Key Process Areas from Levels 1 to 5, **Web**, page 642, CMM) ; and an enterprise architecture methodology element (**Risk**, pages 62-63 and 52 – 57, Risk Culture and Organization); and a project team best practice and lessons learned methodology element(**Risk**, page 38, Best practice and Lessons Learned are covered by the identifying what worked and how to improve in an Action Plan – “What actions are needed to improve this metric?” ).

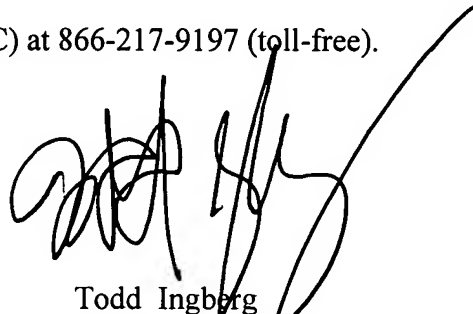
***Correspondence Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Todd Ingberg whose telephone number is (571) 272-3723. The examiner can normally be reached on during the work week..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571) 272-3719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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A handwritten signature in black ink, appearing to read 'Todd Ingberg', is written over a faint rectangular stamp area.

Todd Ingberg  
Primary Examiner  
Art Unit 2193

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